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EXTRAORDINARY

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PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

CENTRAL BOARD OF DIRECT TAXES

NOTIFICATION

INCOME-TAX

New Delhi, the 24th May 1969

S.O. 2005.—The following draft of certain rules further to amend the Income-tax Rules, 1962, which the Central Board of Direct Taxes proposes to make in exercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of 1961), is hereby published for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 30th day of June, 1969.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the said date will be considered by the Central Board of Direct Taxes.

Draft Rules

1. (1) These rules may be called the Income-tax (Fourth Amendment) Rules, 1969.

(2) They shall come into force on the 1st day of April, 1970.

2. In rule 5 of the Income-tax Rules, 1962 (hereinafter referred to as the principal rules), for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) Subject to the provisions of sub-rules (2) and (3), the allowance under clause (i) or clause (ii) of sub-section (1) of section 32 in respect of depreciation of buildings, machinery, plant or furniture shall be calculated at the percentages specified in the second column of the Table in Part I of Appendix I to these Rules on the actual cost or, as the case may be, the written down value of such of the assets aforesaid as are in use for the purposes of the business or profession of the assessee on the last day of the previous year:

Provided that in a case where the assessee has been allowed to vary the meaning of the expression “previous year” in respect of any business or profession under sub-section (4) of section 3 and, thereby, his income from such business or profession for a period of thirteen months or more is included in his total income of any previous year, the aforesaid allowance in respect of buildings, machinery, plant or furniture, which have been used by him in such business or profession during that previous year, calculated in the manner stated hereinabove, shall be increased by multiplying it by a fraction of which the numerator is the number of complete months in such previous year and the denominator is twelve.”

3. In Appendix I to the principal rules, for Part I the following shall be substituted, namely:—

“PART I”

(See rule 5)

Table of rates at which depreciation is admissible.

Class of asset	Depreciation allowance as percentage of— (i) actual cost in the case of Ocean-going ships ; (ii) Written down value in the case of any other asset.	Remarks
1	2	3

I. Buildings—

1. First class substantial buildings of elected materials .	2.5	} Double these rates will be taken for factory buildings excluding offices, godowns; officers and employees' quarters.
2. Second class buildings of less substantial construction	5	
3. Third class buildings of construction inferior to that of second class buildings but not including purely temporary erections.	7.5	

I	2	3
4. Purely temporary erections such as wooden structures.	100	
<i>II. Furniture and fittings—</i>		
1. General rate.	10	
2. Rate of furniture and fittings used in hotels, restaurants, boarding houses and cinema houses	15	
<i>III. Machinery and plant (not being a ship)—</i>		
(i) General rate applicable to machinery and Plant (not being a ship) for which no special rate has been prescribed under item (ii) hereinbelow	10	
(ii) Special rates :		
(1) Hydraulic works, pipelines and sluices (N.E.S.A.)	5%	
(2) Overhead cables and wires (N.E.S.A.)		
(3) Salt Works—Reservoirs, Condensers, Salt Pans, delivery channels and piers, if constructed of masonry, concrete, cement, asphalt or similar materials (N.E.S.A.)		
B. (1) Accounting machines (N.E.S.A.)	15	
(2) Air Conditioning Machinery including room air conditioners. (N.E.S.A.)		
(3) Artificial Silk Manufacturing Machinery and Plant except wooden parts		
(4) Building Contractor's Machinery (N.E.S.A.)		
(5) Brick and Tile Manufacture—wooden shelves and pallets		
(6) Calculating machines (N.E.S.A.)		
(7) Machinery and plant coming into contact with corrosive chemicals		
(8) Machine Tools—(a) Automatic and Semi-automatic (b) Precision machine tools e.g. grinding machines.		
(9) Mineral oil concerns—field operations (Distribution) Kerbside pumps including underground tanks and fittings (N.E.S.A.)		
(10) Mines and Quarries—Surface and underground machinery (other than electrical machinery, boilers and portable underground machinery), head gear, moving parts and rails (N.E.S.A.)		
(11) Neo-post Franking Machines (N.E.S.A.)		
(12) Office Machinery including calculating machines, typewriters and accounting machines (N.E.S.A.)		
(13) Refrigeration Plant Containers etc., (other than racks). (N.E.S.A.)		
(14) Road making plant and machinery.		

1

2

3

(15) Roadway structures—Carriers.	} 15
(16) Rubber and Plastic goods factories—General machinery and plant.	
(17) Salt works—Machinery, plant, locomotives, wagons and rolling stock	
(18) Sewing and knitting machines employed in the manufacture of Hosiery and woollen goods.	
(19) Sewing and stitching machines for canvas or leather	
(20) Surgical instruments (N. E. S. A.)	
(21) Tea factories—General machinery and plant including rollers and driers.	
(22) Tramways Electric and tramways run by internal combustion engines—Permanent way exceeding 1,25,000 car miles per mile of track p.a. (N. E. S. A.)	
(23) Typewriters (N. E. S. A.)	} 20
(24) Wireless apparatus and gear, wireless appliances and accessories (N. E. S. A.)	
C.(1) Cinematograph films—Machinery used in the production and exhibition of cinematograph films—(a) Recording equipment, reproducing equipment, developing machines, printing machines, editing machines, synchronisers and studio lights except bulbs, (b) Projecting equipment of film exhibiting concerns. (N. E. S. A.)	
(2) Cycles (N. E. S. A.)	
(3) Data processing machines (N. E. S. A.)	
(4) Electrical machinery—Batteries; X-ray and Electro-therapeutic apparatus and accessories there to. (N.E.S.A)	
(5) Glass manufacturing concerns except Direct Fire Glass melting furnaces—Recuperative and Regenerative Glass melting furnaces.	
(6) Juice boiling pans (Karhais) (N.E.S.A.)	
(7) Motor cars. (N.E.S.A.)	} 20
(8) Sugar Cane crushers (Indigenous Kolhus and Belans). (N.E.S.A.)	

1	2	3
<p>D. (1) Aeroplanes-Aircraft, Aerial photographic apparatus. (N.E.S.A.)</p> <p>(2) Concrete Pipes manufacture-Moulds. (N.E.S.A.)</p> <p>(3) Drum Container manufacture-Dies. (N.E.S.A.)</p> <p>(4) Earth moving machinery employed in heavy construction works, such as dams, tunnels, canals etc. (N.E.S.A.)</p> <p>(5) Glass manufacturing concerns except Direct Fire Glass Melting Furnaces-Moulds. (N.E.S.A.)</p> <p>(6) Metal Moulds in iron foundries. (N.E.S.A.)</p> <p>(7) Metal patterns and dies (N.E.S.A.)</p> <p>(8) Mineral oil concerns—Field operations (above ground)—Portable boilers, drilling tools, wellhead tanks, rigs etc. (N.E.S.A.)</p> <p>(9) Mines and quarries—Portable under-ground machinery. (N.E.S.A.)</p> <p>(10) Motor buses, motor lorries, motor taxis, motor tractors. (N.E.S.A.)</p> <p>(11) Ropeway structures—Ropeways ropes and trestle sheaves and connected parts. (N.E.S.A.)</p> <p>(12) Shoe and other leather goods factories—wooden lasts used in the manufacture of shoes.</p>	30	
<p>E. (1) Aeroplanes—Aero-engines. (N.E.S.A.)</p> <p>(2) Rubber and plastic goods factories-Moulds. (N.E.S.A.)</p>	40	
<p>F. (1) Artificial Silk Manufacturing machinery-wooden parts. (N.E.S.A.)</p> <p>(2) Cinematograph films—bulbs of studio lights. (N.E.S.A.)</p> <p>(3) Flour mills—rollers. (N.E.S.A.)</p> <p>(4) Gas cylinders including valves and regulators (N.E.S.A.)</p> <p>(5) Glass manufacturing concerns—Direct Fire Glass melting furnaces. (N.E.S.A.)</p> <p>(6) Iron and steel industry—rolling mill rolls. (N.E.S.A.)</p> <p>(7) Match factories—Wooden match frames. (N.E.S.A.)</p> <p>(8) Mineral oil concerns. (N.E.S.A.)—</p> <p>(a) field operations distribution (above ground)—returnable packages.</p> <p>(b) Mineral oil concerns—plant used in field operations. (below ground)</p> <p>(9) Mines and quarries. (N.E.S.A.)—</p> <p>(a) Coal tubs, winding ropes, haulage ropes and sand stowing pipes.</p> <p>(b) Safety lamps.</p> <p>(10) Salt works—salt pans, reservoirs and condensers etc., made of impervious clay. (N.E.S.A.)</p> <p>(11) Sugar works—rollers. (N.E.S.A.)</p>	100	

(iii) *Extra depreciation allowance for approved hotels:*

An extra allowance of depreciation of an amount equal to one-half of the normal allowance shall be allowed in the case of machinery and plant installed by an assessee, being an Indian company, in premises used by it as a hotel and such hotel is for the time being approved by the Central Government for the purposes of section 33 of the Act.

(iv) *Extra shift depreciation allowance:*

An extra allowance upto a maximum of an amount equal to one-half of the normal allowance shall be allowed where a concern claims such allowance on account of double shift working and establishes that it has actually worked double shift.

An extra allowance upto a maximum of an amount equal to the normal allowance shall be allowed where a concern claims such allowance on account of triple shift working and establishes that it has worked triple shift.

The calculations of the extra allowance for double shift working and for triple shift working shall be made separately in the proportion which the number of days for which the concern worked double shift or triple shift, as the case may be, bears to the normal number of working days during the previous year. For this purpose, the normal number of working days during the previous year shall be deemed to be—

(a) in the case of a seasonal factory or concern, the number of days on which the factory or concern actually worked during the previous year or 180 days whichever is greater;

(b) in any other case, the number of days on which the factory or concern actually worked during the previous year or 240 days whichever is greater.

For example where a non-seasonal concern worked 270 days during the previous year, out of which it worked double shift on 180 days and triple shift on 90 days, the extra depreciation allowance for double shift working will be $\frac{2}{3}$ rd $\left(\frac{180}{270}\right)$ of one-half of the normal allowance and for triple shift working, it will be $\frac{1}{3}$ rd $\left(\frac{90}{270}\right)$ of the normal allowance.

The extra shift allowance shall not be allowed in respect of any item of machinery or plant which has been specifically excepted by inscription of the letters "N.E.S.A." against it in (ii) above and also in respect of the following items of machinery and plant to which the general rate of depreciation of 10 per cent applies.

(1) Electrical Machinery—Switchgear and instruments, transformers and other stationary plant and wiring and fittings of electric light and fan installations.

(2) Locomotives, Rolling stock tramways and Railways used by concerns, excluding Railway concerns.

*Letters 'N.E.S.A.' are a contraction of the expression "No extra shift allowance".

(3) Mineral oil concerns—Refineries—(a) Boilers, (b) Prime Movers (c) Process plant.

(4) Mineral oil concerns—Field operations—(a) Boilers, (b) Prime Movers, (c) Process plant, (d) Storage tanks (above ground), (e) Pipelines (above ground), (f) Jetties and Dry docks.

(5) Mines and quarries—(a) boilers and head gears (excluding moving parts), (b) Shafts and inclines, (c) Tramways on the surface.

(6) Railway sidings.

(7) Rope-way structures—(a) Trestle and Station, (b) Driving and tension gear.

(8) Salt Works—(a) Barges and Floating Plant, (b) Piers, quays and jetties, (c) Pipe lines for conveying brine if constructed of masonry, concrete cement, asphalt or similar materials.

(9) Tramways Electric and tramways run by internal combustion engines (a) Permanent way not exceeding 1,25,000 car miles per mile of track p.a., (b) cars—car trucks, car bodies, electrical equipment and motors, (c) tram cars including engines and gears.

(10) Weighing machines.

V. *Ships*—

(1) Ocean-going ships (N.E.S.A.)	5	To be calculated on the actual cost.
(2) Vessals ordinarily operating on inland waters—		
(i) *Speed boats (N.E.S.A.)	20	
(ii) Other vessals (N.E.S.A.)	10	

*"Speed boat" means a motor boat driven by a high speed internal combustion engine capable of propelling the boat at a speed exceeding 15 miles per hour in still water and so designed that when running at a speed it will plane, i.e., its bow will rise from the water."

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E. K. LYALL, Secy.

